



Department of Toxic Substances Control



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Arnold Schwarzenegger
Governor

June 30, 2008

Mr. Randy Sawyer, Chair
California CUPA Forum
3700 Chaney Court
Carmichael, California 95608

Dear Mr. Sawyer:

On February 8, 2005, Ms. Peggy Harris of the Department of Toxic Substances Control sent Mr. Michael Dorsey of the California Certified Unified Program Agency (CUPA) Forum a letter clarifying the universal waste inspection jurisdictions of CUPAs and the Department of Toxic Substances Control (DTSC). Specifically, the letter identified DTSC as the agency responsible for inspecting handlers of universal waste who accept universal wastes from other businesses, and CUPAs as responsible for inspecting universal waste generators. However, some CUPAs have recently expressed confusion regarding who is responsible for certain handlers, particularly non-SB 20/50 e-waste recyclers (those that do not participate in the California Integrated Waste Management Board's Covered Electronic Waste Program) and complaints against SB 20/50 and non-SB 20/50 offsite handlers of universal waste.

California Code of Regulations, title 22, section 66273.10 defines a "universal waste handler" as a generator of universal waste, or the owner or operator of a facility that receives universal waste from other universal waste handlers. The dual application of the term "handler" has lead to misunderstanding of the regulation of universal wastes. The statutes establishing and modifying the CUPA program's hazardous waste authority limits that authority to generators of hazardous waste, generators treating hazardous waste under a permit by rule, grant of conditional authorization, or grant of conditional exemption, and businesses handling perchlorate materials. Therefore, offsite handlers of universal waste (including those who do not participate in the SB 20/50 program) are not part of the CUPA's statutorily delegated responsibilities.

DTSC would also like to clarify that complaints regarding offsite collectors or recyclers of electronic waste, regardless of whether they are participating in the SB 20/50 program, are DTSC's responsibility to investigate. CUPAs should respond to complaints against universal waste generators, including those who generate (but do not receive offsite) electronic waste. CUPAs who receive a complaint regarding an offsite collector or recycler of electronic waste should refer the complaint to DTSC using the Cal/EPA Environmental Complaint Form at http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm or by referring the complainant directly to the Form.

The table below summarizes which agency has the primary responsibility for implementing the hazardous waste program for universal waste in a variety of situations.

Scenario	Agency with Primary Responsibility	
	DTSC	CUPA
Generators of universal waste, who do not accept universal waste (including electronic waste) from offsite sources:		X
Retailers participating in a "take-back" program: (accepting universal wastes when selling products)	X	
Universal wastes managed by a maintenance contractor (for instance, a relamping contractor) -- At the generation site: At the contractor's site:	X	X
Destination facility – a recycler or disposal facility:	X	
Dismantlers of universal waste other than electronic waste : (for instance, scrap yards removing mercury switches from vehicles and appliances or mercury lamps from discarded fixtures)		X
Electronic waste collectors (e.g., offsite collectors) or recyclers, regardless of participation in the SB 20/SB 50 program:	X	
Repair personnel generating universal waste: (for instance, TV repair)		X*

Scenario	Agency with Primary Responsibility	
	DTSC	CUPA
County or other organization property auction: Universal wastes generated onsite: Universal wastes generated at other sites: (Equipment that works and will be reused is not waste)	X*	X*
Household hazardous waste facilities accepting universal wastes under their permit by rule:		X
Household hazardous waste facilities accepting universal wastes as a handler: (This would primarily be from generators > 100 kg/month)	X	
Universal wastes placed in an unstaffed collection box: (Considered generated in the box)		X*
Complaints against universal waste generators:		X
Complaints against electronic waste collectors (e.g., offsite collectors) or recyclers, regardless of participation in the SB 20/SB 50 program:	X	
Building owner, occupant, or maintenance contractor at the building, or otherwise onsite: (for instance, on a corporate or educational campus)		X
Universal waste transporters:	X	
Commercial universal waste handlers: (offsite collectors and accumulators)	X	

* Devices such as televisions and monitors become wastes when and where the decision is made that they will not be reused and will be discarded.

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I hope that this letter clarifies the issues regarding universal waste inspection jurisdiction. If you have any further questions, please contact me at (916) 255-3699 or by email at rhypnaro@dtsc.ca.gov.

Sincerely,

Original signed by Rita Hypnarowski

Rita Hypnarowski, Sr. HSS
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